

REMARKS/ARGUMENTS

Status of the Claims

Before this Amendment, claims 30 – 34, 39 – 40, 42, and 44 – 49 were present for examination. Claims 30 and 40 are amended; claims 39 and 42 are canceled; and no new claims are added. Therefore, claims 30 – 34, 40, and 44 – 49 are present for examination, and claims 30 and 40 are the independent claims. Support for these amendments can be found throughout the specification, for example, at p. 6, ln. 19 – p. 7, ln. 3. As such, no new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended. A Request for Continued Examination is filed herewith.

35 U.S.C. §103 Rejections

Claims 30-34, 39-40, 42, and 44-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,169,894 B1 to McCormick et al. (“McCormick”) in view of the cited portions of U.S. Patent No. 5,200,954 to Teel, Jr. et al. (“Teel”). To establish a *prima facie* case of obviousness, the cited references, combined with the knowledge of those of ordinary skill in the art, must teach or suggest all the claim limitations. Applicants respectfully traverse this rejection at least because the combination of McCormick, Teel, and ordinary knowledge in the art fails to teach or suggest all the recitations of claims 30 and 40, as amended.

Specifically, neither McCormick nor Teel can be relied upon to teach or suggest (1) “broadcasting the selected media program to the wireless handset over the wireless channel as a one-way phone call having no return audio path”; or (2) “establishing a return data-command path over the wireless channel adapted to receive a media selection or a phone call from the wireless headset,” as recited in claim 30. Claim 40 includes similar recitations.

For at least these reasons, McCormick and Teel fail to teach or suggest the recitations of claims 30 and 40. Further, the Office Action does not provide any teaching from other art or reason why these recitations would be within the knowledge of a person of ordinary


skill in the art. As such, the combined teachings of the art, as cited by the Office Action, fail to establish a *prima facie* case of obviousness as to the independent claims. Moreover, claims 31 – 34 and 44 – 49 are believed allowable at least for reasons of their dependence from allowable base claims. Applicants, therefore, respectfully request that the §103 rejections to all the claims be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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